

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Massachusetts Executive Office of Energy and Environmental Affairs (EEA), under its authority pursuant to M.G.L. Chapter 21I, and in conformance with M.G.L. 30A, will hold a public hearing on proposed amendments to 301 CMR 40.00 *Toxic Use Fee*, and 301 CMR 41.00 *Toxic or Hazardous Substance List*. The Toxics Use Reduction Act (TURA, Chapter 21I) was amended in July 2006. The proposed regulatory amendments are intended to implement statutory changes that affect reporting and planning requirements under TURA, including changes in definitions to make them consistent with the statute and with MassDEP TURA regulations 310 CMR 50.00; eliminate a toxics use fee for toxics manufactured or processed in amounts less than 25,000 pounds (unless they are Persistent Bioaccumulative Toxic) chemicals or higher hazard substances, both of which have lower reporting thresholds); eliminate the “per chemical” fee for any toxic designated as a lower hazard substance; establish a late fee for toxics use reports filed more than 30 days late or toxics use fees paid more than 30 days late; give MassDEP responsibility for reviewing fee waiver applications; the authority to designate toxic or hazardous substances as higher hazard substances or lower hazard substances; and to adjust the toxic or hazardous substance list by retaining or deleting substances listed pursuant to section 101(14) and 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, CERCLA, 42 U.S.C. §9601(14) and §9602.

A public hearing will be conducted on the following date at the following location to receive comments on the proposed amendments. Testimony may be presented orally or in writing at the hearings.

Friday, November 30, 2007, 10:00 am  
Leverett Saltonstall Building  
100 Cambridge Street, 2<sup>nd</sup> floor Conference D  
Boston, MA 02114

Following the hearing, written testimony will be accepted until the end of the day Friday, November 30, 2007. Written testimony should be submitted via email to [rich.bizzozero@state.ma.us](mailto:rich.bizzozero@state.ma.us) or via mail to: Rich Bizzozero, Executive Office of Energy and Environmental Affairs, Office of Technical Assistance and Technology, 100 Cambridge Street, suite 900, Boston, MA 02114. Copies of the proposed regulations are available on the Office of Technical Assistance and Technology web site at [www.mass.gov/envir/ota](http://www.mass.gov/envir/ota) or may be obtained by calling the Rich Bizzozero at 617-626-1080.

For special accommodations for these events or to obtain this information in alternative format, you may contact Maurice Wright, Executive Office of Energy and Environmental Affairs, ADA coordinator, at 617-626-1161, 100 Cambridge Street, suite 900, Boston, MA 02114.

By order of the Executive Office of Energy and Environmental Affairs  
Ian Bowles, Secretary